

14-13B. Concurrence in Settlement of Civil Judicial Actions (1200 TN 350 14-13B)**1. AUTHORITY.**

- a. To exercise the agency's concurrence authority in the settlement of civil judicial enforcement actions under the Comprehensive Environmental Response Compensation and Liability Act as amended; and
- b. To request the Attorney General to amend a consent decree issued under CERCLA.

2. TO WHOM DELEGATED. Deputy Regional Administrator.**3. LIMITATIONS.**

- a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority in 1(a) and (b). The RC may waive concurrence in writing.
- b. The OECA AA may exercise these authorities only with regard to multi-regional bankruptcy settlements and multi-regional insurance receivership settlements.
- c. The delegatee should exercise these authorities consistent with the most recent version of the "OECA/Office of Site Remediation Enforcement/CERCLA and Recovery Conservation Resource Act/Clean Water Act/Underground Storage Tanks Roles Chart," or successor documents, as appropriate.


4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the associate director level, and no further. These authorities may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 106, 107, 109 and 122 of CERCLA.
- b. All other applicable agency guidance and directives.
- c. For actions including 31 U.S.C. 3711 and its applicable regulations, see delegations covering claims of the U. S. Environmental Protection Agency found in Chapter I of this Manual.
- d. Settlements under CERCLA Section 122(g) are covered by Delegation 14-14E, De Minimis Settlements.

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